

DEC 22 2005

Attorney's Docket No.: 07844-427001
Client's Ref. No.: P391

OFFICIAL COMMUNICATION FACSIMILE:

OFFICIAL FAX NO: (571) 273-8300

Number of pages including this page 8

Applicant : Michael Kaplan et al. Art Unit : 2176
Serial No. : 09/594,054 Examiner : Quoc A. Tran
Filed : June 14, 2000


Title : ENVIRONMENT-BASED BOOKMARK MEDIA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is *Pre-Appeal Brief Request For Review, Notice Of Appeal* and *Petition For One-Month Extension Of Time*, faxed this 22nd day of December, 2005, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: December 22, 2005


Brian J. Gustafson
Reg. No. 52,978

CUSTOMER NO. 21876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Fax: (650) 839-5071

50319213.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (650) 839-5070 to arrange for its return. Thank you.

Attorney's Docket No.: 07844-427001 / P391

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Kaplan et al. Art Unit : 2176
Serial No. : 09/594,054 Examiner : Quoc A. Tran
Filed : June 14, 2000
Title : ENVIRONMENT-BASED BOOKMARK MEDIA

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The brief is in response to legal and factual deficiencies in the final Office Action mailed August 23, 2005, and the Advisory Action mailed November 21, 2005.

Claims 1-46 are currently pending, of which claims 1, 13, 22, 31, and 40 are independent. Claims 1-3, 5-6, 8-11, 13-24, and 26-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,085,226 ("Horvitz") in view of U.S. Patent No. 6,560,640 ("Smethers"). Claims 4, 7, 12, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Horvitz and Smethers in further view of U.S. Patent No. 6,313,855 ("Shuping").

I. The cited art does not disclose or suggest, in response to a user input, storing a link to the destination and a link to a remote bookmark media object associated with the destination on the client device.

Claim 1 recites a method that includes receiving a first user input on a client device bookmarking a remote destination displayed on the client device. In response to that first user input, a link to the destination and a link to a remote bookmark media object associated with the destination are stored on the client device. Thus, two separate links are stored on the client device when the user bookmarks a remote destination: a link to the remote destination itself and

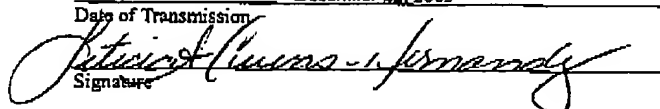
CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

December 22, 2005

Date of Transmission

Signature



Leticia A. Cuevas-Hernandez

Typed or Printed Name of Person Signing Certificate

Applicant : Michael Kaplan et al.
Serial No. : 09/594,054
Filed : June 14, 2000
Page : 2 of 5

Attorney's Docket No.: 07844-427001 / P391

a link to a media object associated with that destination. Both the destination and the bookmark media object are remote from the client device.

The Examiner states that Horvitz discloses storing both a link to a destination and a link to a bookmark media object associated with the destination at col. 7, line 60 to col. 8, line 10.

The applicant disagrees. The cited section of Horvitz reads, in pertinent part, as follows:

a user stationed at the client computer can access a desired web page by supplying the browser with a corresponding web address (in the form of a uniform resource locator--URL) for that page. The term "page", in this context, refers to content accessed, via a URL, including, e.g., text, graphics and other information. The address can be supplied through any of various ways, which illustratively include: direct keyboard entry by the user; selection amongst a stored list of addresses, i.e. so-called "bookmarks"; or "clicking", such as through appropriate manipulation of a mouse, on an appropriate hot-link, for that address, then appearing on a browser control bar, or a home or other web page currently being displayed by the browser.

All that the cited section of Horvitz discloses is that a web page, or destination, can be retrieved by providing a URL address for the destination in a browser. Horvitz discloses that a destination address can be provided from "bookmarks" provided by a list of stored addresses. The cited section, however, does not disclose or suggest that in response to a user input to bookmark a particular destination two distinct links are stored on the client device. The client device recited by claim 1 stores both a link to the destination (e.g., the destination address disclosed by Horvitz) and a link to a bookmark media object associated with the destination. The cited section fails to disclose or suggest storing any link other than a link to a destination. Thus, storing a link to a remote bookmark media object associated with a destination in addition to storing a link to a destination is plainly absent from Horvitz.

The Examiner does not explicitly state how Horvitz discloses storing two distinct links when bookmarking a single destination. Instead, the Examiner simply states that Horvitz's stored list of address is equivalent to bookmarking a destination. However, this simplification fails to address the two separate links stored on a client device when a user bookmarks a destination as required by claim 1.

Applicant : Michael Kaplan et al.
Serial No. : 09/594,054
Filed : June 14, 2000
Page : 3 of 5

Attorney's Docket No.: 07844-427001 / P391

II. The cited art does not disclose or suggest retrieving the remote associated bookmark media object, including in the displayed bookmark window a bookmark for the destination and the retrieved remote associated bookmark media object, the retrieved remote associated bookmark media object providing a representation of the destination.

Claim 1 also recites, in response to a second user input, retrieving the remote associated bookmark media object. A bookmark window displays a bookmark for the destination and the retrieved remote associated bookmark media object. The retrieved remote associated bookmark media object provides a representation of the destination. Thus, when a user provides an input to display a bookmark window, the bookmark media object associated with the bookmarked destination is retrieved from a remote location (e.g., according to the previously stored link to the remote bookmark media object).

The Examiner states that Horvitz does not disclose displaying a bookmark and a retrieved remote bookmark media object associated with the bookmarked destination, but that Smethers does at col. 14, lines 34-60 and col. 11, line 56 to col. 12, line 21. The applicant disagrees.

The first cited section of Smethers, col. 14, lines 34-60, disclose a portion of the processing steps performed at a server when a bookmarked destination request is received from a user of a client device (e.g., a mobile phone). See col. 14, lines 9-34. When a destination request is received at the server from the client, the server requests the appropriate destination corresponding to the user's request and delivers the destination to the user. See col. 14, lines 40-52. The cited section does not disclose or suggest retrieving a remote associated bookmark media object for presentation to the user of the client device. Only the destination web page is delivered to the client user.

Additionally, the delivered web page is not provided in response to a user input to display a bookmark window. Instead, the user already has a list of bookmarks to select from and the user input of the cited section is a request for a particular destination associated with a selected bookmark. See col. 13, lines 31-40; col. 14, lines 16-20.

The second cited section of Smethers, col. 11, line 56 to col. 12, line 21, also fails to disclose or suggest retrieving a remote associated bookmark media object. The cited section discloses a keypad bookmark manager interface (See FIG. 4) used to define bookmarks accessible by a wireless user. See col. 11, lines 57-64. A web page providing the keypad

Applicant : Michael Kaplan et al.
Serial No. : 09/594,054
Filed : June 14, 2000
Page : 4 of 5

Attorney's Docket No.: 07844-427001 / P391

bookmark manager allows the user to set bookmarks for the user's wireless device, for example, using the user's personal computer. The user can input an address of the destination to be bookmarked along with a name identifying the bookmark. *See* col. 12, lines 14-17.

Additionally, the user can set an assigned keypad number for selecting the bookmark from the user's wireless device. *See* col. 12, lines 17-31.

The keypad bookmark manager allows the user to define a list of bookmarks for later use on the user's wireless device, but does not retrieve anything. Therefore, the cited section does not disclose or suggest retrieving any bookmark media objects and providing them to the user.

Moreover, the keypad bookmark manager does not display a bookmark window that includes a bookmark media object providing a representation of the bookmarked destination. The cited section does not disclose or suggest presenting any objects providing a representation of a bookmarked destination. The keypad bookmark manager only provides information regarding the content of particular bookmarks, namely the URL address of the bookmark, the name of the bookmark, and the keypad number assigned to the bookmark. No representations of the bookmarked destination are provided as a bookmark media object.

III. The cited art does not disclose or suggest generating, storing, or updating bookmark media objects.

Claim 13 recites a method that includes generating a set of bookmark media objects. Each bookmark media object corresponds to a network destination in a computing environment and provides a representation of the corresponding network destination. The bookmark media objects are stored in the computing environment of the destination. Each bookmark media object is updated as a function of a state of the destination. In response to a user request, one or more of the bookmark media objects are provided to a remote client device located external to the computing environment of the destination and the bookmark media object.

The Examiner summarily rejects claim 13 as having the same subject matter as claim 1. However, claim 13 includes several limitations not found in claim 1. In particular, claim 13 requires the generation and storage of bookmark media objects in a same computing environment as their corresponding network destinations. Furthermore, the bookmark media objects are provided to a client device that is external to that computing environment. Moreover,

Applicant : Michael Kaplan et al.
Serial No. : 09/594,054
Filed : June 14, 2000
Page : 5 of 5

Attorney's Docket No.: 07844-427001 / P391

claim 1 requires updating a bookmark media object as a function of a state of the corresponding destination.

Neither Horvitz nor Smethers disclose or suggest the generation and storage of bookmark media objects, each providing a representation of a network destination, in the computing environment of the network destinations. In Horvitz, multiple web pages are retrieved by a client device from one or more remote locations and then rendered for presentation to a user. However, Horvitz does not disclose or suggest generating a set of bookmark media objects corresponding to a network destination in the same network environment of the destination and then providing the bookmark media objects to a remote client device.

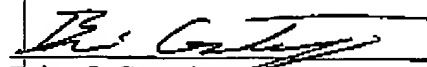
Smethers discloses a system for defining a list of bookmarks, presenting the list of bookmarks to a wireless user, and retrieving the network destination associated with a selected bookmark. However, Smethers does not disclose or suggest the generation or storage of bookmark media objects, each providing a representation of a network destination, in the same computing environment of the network destinations. Furthermore, Smethers does not disclose or suggest providing one or more bookmark media objects to a client device having a location external to that computing environment.

Finally, neither Horvitz nor Smethers disclose or suggest updating a bookmark media object. Furthermore, Horvitz and Smethers do not disclose or suggest the updating as a function of a state of the corresponding destination as required by claim 13.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 22 December, 2005


Brian J. Gustafson
Reg. No. 52,978

Customer No. 21876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50318332.doc

BEST AVAILABLE COPY